

1 STATE OF ALASKA
2 DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT
3 DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING
4 BOARD OF CERTIFIED DIRECT-ENTRY MIDWIVES
5

6 MINUTES OF VIDEOCONFERENCE MEETING
7 March 3, 2021
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9 By the authority of AS 08.065.020 and in compliance with the provision of AS 44.62, Article 6, a
10 scheduled videoconference meeting of the Board of Certified Direct-Entry Midwives was held March 3,
11 2021 and at State Office Bldg., 9th Floor, Conference Room B, Juneau, AK.
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13 **These are DRAFT minutes prepared by the staff of the Division of Corporation, Business and**
14 **Professional Licensing. These minutes have not been reviewed or approved by the board.**
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16 **Item 1. Call to Order/Roll Call**
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18 The meeting of the Board of Certified Direct Entry Midwives was called to order by Bethel Belisle, Chair
19 at 9:06 a.m. Members present were:
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21 **Board Members Present, constituting a Quorum:**
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23 Bethel Belisle, Certified Direct-Entry Midwife, Chair
24 Hannah St. George, Public Member
25 Dr. Dana Espindola, Physician/OB Practice
26 Rachel Pugh, Certified Direct-Entry Midwife
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28 **Excused from the meeting**
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30 Tanya Kirk, Certified Nurse Midwife
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32 **Division Staff present were:**
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34 Sara Chambers, Division Director
35 Lacey Derr, Records & Licensing Supervisor
36 Terry Ryals, Records & Licensing Supervisor
37 Sher Zinn, Regulation Specialist
38 Megyn Weigand, Attorney, Department of Law
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40 **Members of the Public Present:**
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42 Susan Terwilliger, Certified Direct-Entry Midwife
43 Kate Parks, Certified Direct-Entry Midwife
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45 Supervisor Lacey Derr greeted the board and introduced new Records and Licensing Supervisor, Terry
46 Ryals. Supervisor Derr stated Mr. Ryals was new to the division and would be attending this meeting for
47 board meeting training.
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49 Supervisor Derr also introduced Regulation Specialist, Sher Zinn and informed the board Director Sara
50 Chambers was also online.

51 **Item 2. Review/Approve Agenda**

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53 The board reviewed the agenda.

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55 **On motion duly made by Rachel Pugh, seconded by Dr. Dana Espindola, and approved**
56 **by majority consent, it was Resolved to approve the agenda as presented.**

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58 **Item 3. Ethics Report**

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60 No ethics disclosures.

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62 **Item 4. Introduce New Board Member**

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64 Supervisor Derr informed the board new board member Tanya Kirk was unable to attend so they could
65 move onto Agenda Item 5.

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67 **Item 5. Peer Review**

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69 Supervisor Derr sated the drafted presented to the board has been reviewed by the division and
70 Department of Law; this draft reflects all edits/updates. Supervisor Derr also stated that Dept. of Law
71 attorney, Megyn Weigand would be joining the meeting and be available for questions.

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73 The board reviewed the final draft of proposed changes to Regulations 12 AAC 14.400, 14.455, 14.450,
74 14.460, 14.540, 14.900, and 14.910.

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76 Chair Bethel Belisle asked if it would be preferable for the board to discuss as they reviewed the drafted
77 regulations. Supervisor Derr stated that would be preferable as the discussion would also assist new
78 board members in learning the background of this project and process of regulation changes.

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80 Chair Belisle sated the board had decided to update current Peer Review regulation 12 AAC 14.445, due
81 to a lack of accountability through the Midwives Association of Alaska, the agency peer reviews are
82 submitted.

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84 The board reviewed the drafted 12 AAC 14.445 verbiage; the board asked if the verbiage was clear
85 enough that licensees would understand exactly what was needed for submission, does the case need to
86 be within the current licensing period, and was submitting one case sufficient.

87
88 The board briefly discussed “participation” and what that would entail.

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90 Director Chambers greeted the board and stated the board are subject matter experts and the division is
91 responsible for adhering to regulations; Director Chambers sated as a member of the public reading
92 these regulations, she was unclear what participating what participating in not less than four hours”
93 means as reflected in 12 AAC 14.445(a). Director Chambers asked if the board would be reviewing for
94 four hours or is the subject four hours.

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96 Chair Belisle thanked Director Chambers and stated participation would mean the peer reviewer would
97 be looking through charts/files checking that the licensee was either the primary provider or associated
98 with the provided service.

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100 Director Chambers suggested the current verbiage wasn’t clear and suggested the board replace
101 “participation” with “reviewer”.
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The board stated the Advanced Practice Registered Nurse (APRN) referenced in 12 AAC 14.445(e)(3) would need to be licensed or certified in certain population foci to be part of the peer review.

Supervisor Derr informed the board Megyn Weigand, Assistant Attorney General (AAG), Department of Law was now online. Attorney Weigand greeted the board.

Chair Belisle asked Attorney Weigand how the board would address a peer review for a newly licensed individual who may not have held their license long enough to meet the peer review criteria and if the verbiage could be updated to accommodate those licensees.

Attorney Weigand informed the board that the verbiage in 12 AAC 14.445 could be reworded to address those circumstances. Attorney Weigand asked if the board wanted to keep verbiage for licensees who could meet the requirements and had a sufficient case load for what they were primarily responsible for and a new subsection for licensees that won't have the cases due to the length of time they've been licensed. Attorney Weigand also asked that the correct term would be for "involved" and/or "assisting".

The board briefly discussed the "involved" and "participating"; the board agreed the use of "involved" was acceptable.

Susan Terwilliger, licensed Certified Direct-Entry Midwife (CDM) attempted to address the board; Supervisor Derr stated that the board was unable to accept public comments at this time and stated no time had been scheduled for public comments during this meeting, however if there was time after board business had concluded the board may entertain public comments at that time.

Susan Terwilliger thanked Supervisor Derr.

Attorney Weigand asked the board if peer review cases should be within the current licensing period or if the board wanted to extend that time frame and if the submission of one case for review was acceptable.

The board briefly discussed and stated within the current licensing period was acceptable and one case was enough for reviewing. Chair Belisle clarified that the participating reviewer would be spending four hours reviewing one case, which the board felt was enough time to spend on a review. Attorney Weigand thanked the board and stated she would update the verbiage.

Attorney Weigand addressed the board's question regarding APRN in 12 AAC 14.445(e)(3). Attorney Weigand informed the board there are four types of a Practical Registered Nurses (PRN) and for each of the four types they identify an aspect with some being very specific to women's health and obstetrics. Attorney Weigand stated she was unsure if the board wanted to call out and designate specific types/levels of expertise or specialization for this part of the regulation; Attorney Weigand went on to state it was intuitive to not use PRN who specializes in geriatrics as that specialization may not be helpful during a peer review; however she wanted to be as specific as possible in the draft as this may preemptively answer questions that licensees may have.

The board and Attorney Weigand briefly discussed the different types of nurses and decided to remove the semicolon in 12 AAC 14.445(e)(3) and delete "who practices obstetrics", from 12 AAC 14.445(e)(4).

Attorney Weigand reviewed changes to 12 AAC 14.540(f) and stated the division would need to create a reporting form that would be available on the board's website and left the 14-day submission requirement as it meshes with 12 AAC 14.900, peer review.

Chair Belisle asked Attorney Weigand to confirm the report would need to be submitted but not records/documentation unless requested the board. Attorney Weigand confirmed only the report would need submission; records/documentation would be requested if needed.

The board continued to review drafted changes; Attorney Weigand informed the board that the current Peer Review language of 12 AAC 14.900 would be repealed as reflected in the draft.

Attorney Weigand informed the board in addition to the standalone form to report adverse or unexpected outcomes; the renewal application form will need to be updated to add a section for the licensee to certify that they've engaged in peer review during a licensing cycle.

The board reviewed 12 AAC 14.910; Attorney Weigand stated the board does have a code of ethics located in the appendix section of their current statute/regulation booklet dated May 2021. Attorney Weigand informed the board that as the code of ethics is not provided in regulation, formally adopting through regulation will allow enforcement of the code. Attorney Weigand stated the board should carefully review the drafted language and possibly update their chosen code of ethics; if the Board writes their own code, it will need to be adopted at a meeting of the board. However, if the Board opts for a national standard, the correct title and date of that code's adoption by the national association should be used in the regulation.

Director Chambers reported that talk about a national standard is something that other boards have done working towards aligning with national standards or another midwifery organization the board is aligned with. Director Chambers went on to state the peer review process is modeled after the North American Registry of Midwives (NARM) process and the Board has expressed an interest in trying to standardize so that's an option for the code of ethics.

Director Chambers stated she supported Attorney Weigand's recommendation to add the date the board adopts their code of ethics; whether the board writes language or adopts a national or midwifery organization's code of ethics. Director Chambers informed the board that providing an adoption date assists applicants and licensees to recognize the most current code of ethics.

Chair Belisle asked why the code of ethics hasn't been adopted when the appendix reflects a board adoption date of April 26, 1984.

Attorney Weigand informed the board that the code of ethics currently reflected in the appendix is not set in statute or regulation; this means a violation of the current code of ethics would be very difficult to enforce as there is no statutory or regulatory authority or reference.

The board briefly reviewed their current code of ethics with Attorney Weigand and Supervisor Derr. The board decided to take more time to review their ethics; Attorney Weigand stated she would draft up some language and represent to the board for their consideration and subsequent public noticing.

Attorney Weigand thanked the board for their time and patience during this project. The board thanked Attorney Weigand for her time and assistance.

Supervisor Derr informed the board that they still had time and items left to cover, however would the board entertain adding a brief public comment period to the agenda as there were several individuals online who would like to address the board. Supervisor Derr also stated as the regulation project was being updated, it would not be available for adoption to move onto the public notice phase so there was additional time.

On motion duly made by Rachel Pugh, seconded by Dr. Dana Espindola, and approved by majority consent, it was Resolved to amend the agenda to allow public comments.

Chair Belisle polled the board. Hearing no objections, the agenda was amended.

Item 8. Public Comment

Supervisor Derr stated the meeting would open public comment for the four individuals currently online. Supervisor Derr stated participants would have five minutes to speak and requested participants state their name and location for the record.

Susan Terwilliger, Certified Direct-Entry Midwife

- On original committee that wrote competence of peer review language.
- Requiring those who were assisting and how that would fit in the peer review. An assisting midwife often does not have access to those records as usually the birth is under the direction of a primary midwife. If a CDM is an assistant only and does not take on primary clients, would the CDM still be involved with the review.
- If a reviewer, would they still need to attend a minimum of four hours per licensing period.
- Think one could get in trouble if required to present a case when they didn't have any say in that case. Feel this could be a slippery slope if the CDM is not a primary midwife.
- In the description of confidential peer review, at least one member of the group be from outside the midwife's inner circle to allow for a variety of opinions and experiences.

The board thanked Susan Terwilliger for participating.

Kate Parks, Certified Direct-Entry Midwife

- Reviewing code of ethics and comparing to Midwives Alliance of North America (MANA); both have a values and ethics codes that feel would be beneficial.
- Support adoption of a national standard code of ethics

The board thanked Kate Parks for participating.

Supervisor Derr asked if there were any other attendees that wished to address the board; hearing none, the board moved onto their next agenda item.

Item 6. Proposed Statutory Changes

Chair Belisle thanked Rachel Pugh for creating the statutory update documentation. Chair Belisle informed the board that it had been brought to her attention that the current statutes and regulations exceed CDM standards; however the Sunset Audit review had noted several years ago the board had wanted to update CDM standards which as of this date, had not been done.

Chair Belisle stated the board could draft a full statutory/legislation update project or make slight changes, updating CDM standards that states "CDM standards can be considered to meet the state statute standards" for submission. Chair Belisle reminded the board that Governor Dunleavy had stated he wants to maintain Alaska sovereignty and perhaps we need not be chaser's but be a leader in their professional standards. Chair Belisle went on to state that the Alaska board has met and exceeded standards for CDM's; one of which is the requirement to be involved in 50 births.

Chair Belisle stated she thought the board should consider changes to all of the social determinants of health care, our maternal morbidity and infant mortality health equality. Chair Belisle stated the board has been doing a good job meeting and exceeding standards; Alaska already is number one in out of hospital births per capita; Alaska is almost 7% higher by the last epidemiology report and about 19% in the Mat Su region, the next state would be Oregon.

Chair Belisle asked how they could meet and exceed a standard that has already been done and what is the benefit of moving toward the CDM; would this increase public safety.

Ms. Pugh asked if current statutes meet standards, are changes necessary; however, insurance billing problems are still an issue as many CDM's are not getting paid for home births by several insurance companies which leaves clients having to pay out of pocket. Ms. Pugh went on to state that adding language which might state home births are allowed in Alaska may assist in billing insurance companies. Ms. Pugh stated she'd rather submit one large statute clean-up project.

The board briefly discussed updating the CDM standards. The board discussed avoiding adding restrictions. The board agreed that their main goal is to protect midwives and women's birth options.

The board discussed if updating or raising CDM standards would affect school accreditation as updated CDM requirements may not be included in programs offered by currently accredited schools through the Midwifery Education Accreditation Council (MEAC). Supervisor Derr informed the board that there are no currently accredited schools in Alaska. The board agreed they did not want to add educational or financial barriers for applicants and licensees; maintaining the apprenticeship option for licensure was needed.

Chair Belisle stated another concern was the licensure costs and urged the board to keep that in mind when crafting statutes and regulations. Chair Belisle also cautioned that organizations come and go; changes and "standards" should take into consideration an organization may go away and the board may be stuck with something that no longer exists.

The board briefly discussed creating their own Code of Ethics that wouldn't reference a national or similar organization.

The board briefly discussed education submitted through CPM has already been approved which removes any bias when reviewing applications for licensure. The board briefly discussed passing the national examination administered by NARM; if an applicant is unable to apply for an Alaska license by examination, their option would be to obtain a license in another state then apply for an Alaska license by credentials.

The board briefly discussed changing from CDM to the national standard title of Certified Professional Midwife (CPM) and raising the requirement for 50 births to 60 or 65.

Dr. Espindola stated the current requirements are higher than national standards so why entertain changing. The board briefly discussed other states and current national requirements for the number of births required.

The board briefly discussed apprenticeship programs; would be similar to a Journeyman's program or residency program. which would have more hands-on training/experience than a traditional school program.

The board briefly discussed Continuing Education (CE) requirements in 12 AAC 14.420 and 14.430 and agreed no changes were necessary.

The board briefly discussed 12 AAC 14.470, Reinstatement. Supervisor Derr informed the board the regulation is more of a division standard for reinstatement of lapsed licenses. Supervisor Derr stated currently licenses may be reinstated if lapsed less than five years and all CE requirements are met.

Chair Belisle stated these were all good questions and discussions; she is making notes and highlighting sections the board will discuss later.

The board briefly discussed adding Advanced Practice Registered Nurse (APRN) to 12 AAC 14.500, updating blood pressure baseline information referenced in (h)(6); the consulting individual referenced in (g). The board briefly discussed adding additional information regarding previous cesarean deliveries.

The board discussed updating to CPM standards which would allow CDM's to provide additional services. Chair Belisle pointed out that current statutes/regulations do not allow CDM's to provide services to a client that has had a previous cesarean delivery; however, a CDM may provide prenatal care to these individuals. The board briefly discussed and stated currently a midwife could assist in this type of delivery if a Nurse midwife was in attendance; however, at CPM standards, a Nurse midwife would not be necessary.

The board briefly discussed insurance billing issues and the need for women who choose a home birth/midwife to pay all costs out of pocket.

The board briefly discussed the use of nitrous oxide during labor as a pain control alternative to drugs and epidurals which a CDM could administer; the board was unsure if this is still being administered during labor.

The board briefly discussed if an episiotomy would be a surgical procedure. Dr. Espindola stated an episiotomy is considered a surgical procedure and the patient would need to be transferred to a hospital. The board briefly discussed adding verbiage addressing episiotomy's and cesarean's into 12 AAC 14.150.

The board continued to review current regulations.

The board briefly discussed remote/rural CDM's, available equipment, and available emergency services.

Recess The Board recessed at 10:59 a.m. for a short break; reconvened at 11:11 a.m.

Item 7. Legislative Planning

Supervisor Derr reviewed the June 2020 Legislative Sunset Audit report with the board and recommendations made by auditors.

1. Recommend statutory changes benefiting the public.
2. Ensure investigations are completed in a timely fashion.
3. Board should improve oversight of peer review process.

Supervisor Derr stated the board was currently updating peer review information and the Sunset Audit report was vague on specific statutory changes that needed addressing. The board agreed and stated page six of the report made statutory reference but nothing specific.

Chair Belisle informed the board she's been working with legislators and representatives on drafting a bill for submission, regarding the board's sunset audit recommendations.

Supervisor Derr reviewed the legislative process with the board; encouraged board members to have a draft of language and/or suggestions which could be used as talking points the entire board agrees with. Supervisor Derr informed the board with this information, board members would need to contact their representative to discuss statutes they wanted to update/amend, the board's intent driving the changes.

Supervisor Derr informed the board when speaking with legislators, board members could say their representing the board and have agreed upon language addressing statutory changes. Supervisor Derr cautioned board members, if meeting with legislators, no more than two board members could be involved in one meeting; a group of three board members constitutes a meeting and would be in violation of the Open Meetings Act.

Supervisor Derr recommended the board review their current statutes, highlight and make notes of needed changes and at the end of this meeting, make a motion for each statute that needs to be addressed. This information could then be presented to Representative Ortiz when Ms. Pugh met with him to discuss the Sunset Audit.

The board briefly discussed increasing current CDM standards to meet CPM standards.

Supervisor Derr informed the board if they needed more time to review and formulate statutory changes, they could do this review as an after-meeting assignment and represent during the next scheduled meeting. Supervisor Derr stated the sooner the board could complete this project the better.

The board continued to discuss and review their statutes. The board briefly discussed Peer Review, protecting women's birthing options, insurance billing issues, and public protection.

The board stated they felt pressure to make changes in areas that change wasn't needed. Supervisor Derr state the board should not feel pressured and to make educated, rational decisions when proposing updates. Supervisor Derr assured the board that by starting this conversation, the board has expressed their willingness to update statutory language that needed amending.

The board thanked Supervisor Derr and continued to review their statutes.

On motion duly made by Rachel Pugh, seconded by Dr. Dana Espindola, and approved by majority consent, it was Resolved to accept the suggested changes to Chapter 65, Alaska Statutes 08.65 for discussion with legislative representatives.

Supervisor Derr thanked the board for their hard work and stated Attorney Weigand would have an updated regulation packet that reflected changes made during this meeting to her shortly; the updated draft would be emailed to the board for review and consideration.

The board briefly discussed the regulation process and decided to review and discuss the updated regulation project during the next meeting.

The board briefly discussed future meeting dates and agreed the next meeting would be April 7, 2021

The Board adjourned at 11:57 a.m.

Respectfully submitted:

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Lacey Derr, Records & Licensing Supervisor

Approved:

Bethel Belisle, CDM, Chairperson
Board of Certified Direct-Entry Midwives

Date: _____

DRAFT